

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ERNEST C. SMALLWOOD, et al.,	§	
	§	
Plaintiffs,	§	
	§	Civil Action No. 3:11-CV-1283-D
VS.	§	
	§	
BANK OF AMERICA, et al.,	§	
	§	
Defendants.	§	

**ORDER**

Plaintiffs' October 3, 2011 emergency motion to expedite plaintiffs' emergency petition for emergency TRO is granted to the extent that the court is deciding plaintiffs' September 27, 2011 emergency petition and application for temporary restraining order on an expedited basis.

After making an independent review of the pleadings, files, and records in this case, and the September 30, 2011 findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct insofar as addressed to plaintiffs' emergency petition and application for a temporary restraining order.\* It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted to the extent pertinent to plaintiffs' emergency petition and application for a temporary restraining order.


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\*In the court's September 27, 2011 order of reference, it did not refer plaintiffs' emergency application for a temporary injunction (i.e., preliminary injunction) and permanent injunction. The court therefore does not adopt the September 30, 2011 findings, conclusions, and recommendation of the magistrate judge insofar as addressed to plaintiffs' emergency application for a temporary injunction (i.e., preliminary injunction) and permanent injunction.

Accordingly, plaintiffs' September 27, 2011 emergency petition and application for temporary restraining order is denied.

**SO ORDERED.**

October 3, 2011.

  
SIDNEY A. FITZWATER  
CHIEF JUDGE